

DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION OF PUBLIC HEALTH  
STATE OF NEBRASKA

STATE OF NEBRASKA ex rel.,  
JON BRUNING, Attorney General,

Plaintiff,

vs.

MATTHEW M. GLENN, M.D.,

Defendant.

10-4018


ORDER ON  
AGREED SETTLEMENT

A proposed Agreed Settlement was filed with the Department on July 23, 2012.

ORDER

1. The Agreed Settlement is adopted, attached hereto and incorporated by reference.
2. The facts as set out in the petition are taken as true and adopted herein.
3. The parties shall comply with all of the terms of the Agreed Settlement.

DATED this 31 day of July, 2012.

  
Joann Schaefer, M.D.  
Chief Medical Officer  
Director, Division of Public Health  
Department of Health and Human Services

CERTIFICATE OF SERVICE

COMES NOW the undersigned and certifies that on the 7<sup>th</sup> day of August, 2012 a copy of the foregoing **ORDER ON AGREED SETTLEMENT** was sent by United States certified mail, postage prepaid, return receipt requested, to **Patricia Zieg, attorney for Matthew M. Glenn, M.D., at Stinson, Morrison, Hecker, 1299 Farnam Street, Suite 1500, Omaha, NE 68102-1818** and by interoffice mail to **Susan M. Ugai, Assistant Attorney General, 2115 State Capitol, Lincoln, Nebraska.**

  
DHHS Legal Services  
P.O. Box 98914  
Lincoln NE 68509-8914  
P. (402) 471-7237 F. (402) 742-2376

**FILED**

**JUL 23 2012**

**DHHS**  
**Legal and Regulatory Services**

## AGREED SETTLEMENT

4. No coercion, threats, or promises, other than those stated herein, were made to the Defendant to induce him to enter into this Agreed Settlement.

5. The Defendant acknowledges that he has read the Amended Petition for Disciplinary Action filed by the Attorney General's Office. The Defendant neither admits nor denies the allegations of the Amended Petition for Disciplinary Action.

6. The Defendant and the Plaintiff agree that the Chief Medical Officer enter a final disciplinary order finding the allegations of the Amended Petition for Disciplinary Action are true and impose the sanction of a censure.

7. The Plaintiff and the Defendant consent to the Chief Medical Officer entering a disciplinary order which places the following conditions on the Defendant's license for a period of eighteen (18) months.

a. The Defendant shall provide notification of his disciplinary action and any violations and subsequent disciplinary action to all educational institutions, employers, practice partners, hospitals with whom he has staff privileges and to the licensing authority in any state where he has or obtains an active medical license within seven (7) days of the entry of the Order on Agreed Settlement by the Chief Medical Officer and within seven (7) days of any change in employment or any subsequent out-of-state licensure. Such notification shall include providing copies of the Amended Petition for Disciplinary Action, this Agreed Settlement, and the Order on Agreed Settlement entered by the Chief Medical Officer. Written confirmation of this notification shall be provided by the Defendant to the Department within thirty (30) days of the entry of the Order on Agreed Settlement by the Chief Medical Officer or change in employment or any subsequent out-of-state licensure.

b. The Defendant shall submit written notification to the Department within seven (7) days of any change in employment, employment status, residence, or telephone.

c. All reports, notices, and other documentation requested by the Department shall be provided using report forms provided by the Department.

d. The Defendant shall promptly respond to all requests and inquiries by the Department concerning the Defendant's compliance with the

terms of this Agreed Settlement. Such inquiries shall also be copied to Acumen Assessments, L.L.C.

e. The Defendant shall obey all state and federal laws and the rules and regulations regarding the practice of medicine.

f. The Defendant shall pay any costs associated with insuring compliance with this Agreed Settlement.

g. The Defendant shall appear at any meetings of the Board of Medicine and Surgery when requested.

h. Any period the Defendant may hold an inactive Nebraska license or any period that he is not working as a physician for a minimum of one hundred and thirty (130) hours per quarter shall not reduce the period of this Agreed Settlement or satisfy the terms and conditions of this Agreed Settlement.

i. The Defendant shall continue his treatment program through Acumen Assessments, L.L.C. and follow all treatment recommendations of Acumen Assessments, L.L.C. The Defendant shall provide permission to and require Acumen Assessments, L.L.C. to provide the Department with quarterly reports.

j. The Defendant shall continue treatment as long as the treatment provider indicates treatment is necessary.

k. The conditions of this Agreed Settlement, with the exception of condition 7.j., will be terminated at the end of eighteen (18) months, even if Defendant is continuing with treatment, so long as there have been no violations of this Agreed Settlement during such period.

8. In the event the Defendant violates any of the above conditions of this Agreed Settlement, the Chief Medical Officer, after motion by the Attorney General and a hearing, may take further disciplinary action against the Defendant's license to practice as a physician, including revocation of his license.

9. The Attorney General's Office has given notice of this Agreed Settlement to the Board of Medicine and has received their input in accordance with NEB. REV. STAT. § 38-190 (Reissue 2008).

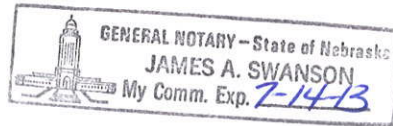
10. If this Agreed Settlement is not approved by the Chief Medical Officer, this Agreed Settlement shall become null and void and will not be admissible for any purpose at any hearing that may be held on this matter.

AGREED TO:

Matthew M. Glenn M.D.  
Matthew M. Glenn, M.D.  
Defendant

STATE OF NEBRASKA )  
COUNTY OF Lancaster ) ss.

ACKNOWLEDGED BEFORE ME by Matthew M. Glenn, M.D., on this 12 day of July, 2012.



James A. Swanson  
Notary Public  
My Commission Expires: 7-14-13

STATE OF NEBRASKA, ex rel. JON  
BRUNING, Attorney General,  
Plaintiff,

BY: JON BRUNING, #20351  
Attorney General

BY: Susan M. Ugai  
Susan M. Ugai, #16677  
Assistant Attorney General  
2115 State Capitol  
Lincoln, Nebraska 68509  
(402) 471-9658

Attorneys for Plaintiff



THE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION OF PUBLIC HEALTH  
STATE OF NEBRASKA



STATE OF NEBRASKA ex rel. JON )  
BRUNING, Attorney General, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
MATTHEW M. GLENN, M.D., )  
 )  
Defendant. )

AMENDED PETITION  
FOR DISCIPLINARY ACTION

The Plaintiff alleges as follows:

1. Jurisdiction is based on NEB. REV. STAT. §§ 38-176, 38-186, 38-196 (Reissue 2008), 71-150, and 71-1,132.29 (Reissue 2003).
2. At all times relevant herein, the Defendant Matthew M. Glenn, M.D., has been the holder of medical license #20176 issued by the Nebraska Department of Health and Human Services division of Public Health ("Department") to practice medicine.
3. The Department is the agency of the State of Nebraska authorized to enforce the provisions of the Uniform Licensing Law and the Uniform Credentialing Act regulating the practice of Medicine and Surgery.
4. The Nebraska Board of Medicine and Surgery considered the investigation of this matter and made its recommendation to the Attorney General, which recommendation has been considered. Such matters are privileged pursuant to NEB. REV. STAT. §§ 38-1,105, 38-1,106 (Reissue 2008), 71-168.01(7) and 71-168.01(8) (Reissue 2003).

5. On October 23, 2006, Defendant entered into an Assurance of Compliance with the Nebraska Attorney General's Office. This Assurance of Compliance became effective on October 31, 2006.

6. Defendant agreed "to not develop intimate relationships with his patients".

7. Defendant saw Patient A in his office on March 25, 2010, at 11:45 a.m. for a sinus problem. Patient A mentioned to Defendant that she and her husband were having some marital discord.

8. Telephone records show Defendant called Patient A on March 25, 2010, at 12:17 p.m., 1:02 pm, 1:48 pm, and 4:00 pm.

9. Defendant and Patient A met for coffee at a local coffee shop on April 2, 2010, to discuss Patient A's marital issues.

10. Defendant and Patient A exchanged text messages and met two (2) weeks later at a local restaurant. Defendant gave Patient A a hug and kissed her when he walked her to her car.

11. Defendant and Patient A continued to exchange text messages. Defendant and Patient A met a third time outside Defendant's office. There were a total of three (3) personal meetings within a four to six week period.

12. Defendant admitted he told Patient A it would be fun if she went to Miami with him.

13. Defendant admitted he told Patient A they should have dinner together in Las Vegas.

14. Defendant admitted that some of the text messages he exchanged with Patient A had some sexual connotation.

15. On May 25, 2011, Defendant's appointment and clinical privileges at Facility A were automatically relinquished for failure to provide information regarding actions taken by the State of Nebraska resulting in conditions placed on his license. Facility A had sent the Defendant multiple requests for this information.

16. Defendant failed to report the automatic relinquishment of his appointment and clinical privileges to the Department within thirty (30) days.

### **FIRST CAUSE OF ACTION**

17. Paragraphs 1 through 16 are incorporated herein by reference.

18. NEB. REV. STAT. § 38-178(23) (Reissue 2008) provides that a professional license may be disciplined, revoked, or suspended for unprofessional conduct.

19. NEB. REV. STAT. § 38-179 (Reissue 2008) defines unprofessional conduct as any departure from or failure to conform to the standards of acceptable and prevailing practice of a profession or occupation or the ethics of the profession or occupation regardless of whether a person, patient or entity is injured, or conduct that is likely to deceive or defraud the public or is detrimental to the public interest.

20. NEB. REV. STAT. § 38-179(15) (Reissue 2008) defines unprofessional conduct as such other acts as may be defined in rules and regulations adopted and promulgated by the board of examiners in the profession of the applicant, licensee, certificate holder or registrant with the approval of the Department.

21. Title 172 Chapter 88-013.21 Regulations Governing the Practice of Medicine and Surgery defines unprofessional conduct as any conduct or practice outside the normal standard of care in the State of Nebraska which is or might be harmful or dangerous to the health of the patient or the public.



22. Title 172 Chapter 88-013.16 Regulations Governing the Practice of Medicine and Surgery defines unprofessional conduct as commission of any act of sexual misconduct, or exploitation related to the person's practice of medicine and surgery. Sexual misconduct in the practice of medicine means violation of the physician-patient relationship through which the physician uses said relationship to induce or attempt to induce the patient to engage, or to attempt to engage the patient, in sexual activity; committing any act which may reasonably be interpreted as intended for the sexual arousal or gratification of the practitioner, the patient, or both.

23. Defendant's conduct is unprofessional conduct and is grounds for discipline.

### **SECOND CAUSE OF ACTION**

24. Paragraphs 1 through 23 are incorporated herein by reference.

25. NEB. REV. STAT. § 38-178(23) (Reissue 2008) provides that a professional license may be disciplined, revoked, or suspended for unprofessional conduct.

26. NEB. REV. STAT. § 38-179(9) (Reissue 2008) defines unprofessional conduct as commission of any act of misconduct or exploitation related to the practice of the profession of the credential holder.

27. Defendant's conduct is unprofessional conduct and is grounds for discipline.

### **THIRD CAUSE OF ACTION**

28. Paragraphs 1 through 27 are incorporated herein by reference.

29. Title 172 Chapter 88-013.1 Regulations Governing the Practice of Medicine and Surgery defines unprofessional conduct as any departure from or failure

to conform to the ethics of the medical profession, as found in the American Medical Association's Code of Medical Ethics and Opinions.

30. The American Medical Association's Code of Medical Ethics and Opinions

§ 5.05 Confidentiality states:

"The information disclosed to a physician by a patient should be held in confidence. The patient should feel free to make a full disclosure of information to the physician in order that the physician may most effectively provide needed services. The patient should be able to make this disclosure with the knowledge that the physician will respect the confidential nature of the communication. The physician should not reveal confidential information without the express consent of the patient, subject to certain exceptions which are ethically justified because of overriding considerations."

31. The American Medical Association's Code of Medical Ethics and Opinions

§ 8.14 Sexual Misconduct in the Practice of Medicine also provides:

"Sexual contact that occurs concurrent with the patient-physician relationship constitutes sexual misconduct. Sexual or romantic interactions between physicians and patients detract from the goals of the physician-patient relationship, may exploit the vulnerability of the patient, may obscure the physician's objective judgment concerning the patient's health care, and ultimately may be detrimental to the patient's well-being.

If a physician has reason to believe that non-sexual contact with a patient may be perceived as or may lead to sexual contact, then he or she should avoid the non-sexual contact. At a minimum, a physician's ethical duties include terminating the physician-patient relationship before initiating a dating, romantic, or sexual relationship with a patient.

Sexual or romantic relationships between a physician and a former patient may be unduly influenced by the previous physician-patient relationship. Sexual or romantic relationships with former patients are unethical if the physician uses or exploits trust, knowledge, emotions, or influence derived from the previous professional relationship."

32. Defendant's personal relationships with patients and, continued treatment of those patients constitutes unprofessional conduct and is grounds for discipline.

#### **FOURTH CAUSE OF ACTION**

33. Paragraphs 1 through 32 are incorporated herein by reference.

34. NEB. REV. STAT. §§ 38-178(23) (Reissue 2008) and 71-147 (10) (2006 Cum. Supp.) provide that a professional license may be disciplined, revoked, or suspended for unprofessional conduct.

35. Unprofessional conduct is defined by NEB. REV. STAT. § 71-148(17) (Reissue 2003) as violating an Assurance of Compliance.

36. NEB. REV. STAT. § 38-178(21) (Reissue 2008) provides that any violation of an Assurance of Compliance is grounds for discipline.

37. Defendant's conduct constitutes unprofessional conduct and is grounds for discipline.

#### **FIFTH CAUSE OF ACTION**

38. Paragraphs 1 through 37 are incorporated herein by reference.

39. NEB. REV. STAT. § 38-178 (Reissue 2008) provides that a professional license may be disciplined for failing to file a report required by § 38-1,125 (Reissue 2008).

40. NEB. REV. STAT. § 38-1,125(1)(c)(i) (Reissue 2008) requires a professional to report their resignation from the staff of any health care facility that occurred while under formal or informal investigation or evaluation by the facility for issues of clinical competence, unprofessional conduct, or physical, mental, or chemical impairment.

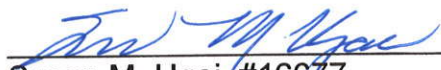
41. Defendant's conduct in failing to report his employment resignation within the mandatory reporting time to the Department is grounds for discipline.

## **PRAYER**

**WHEREFORE**, the Plaintiff requests that the Chief Medical Officer set this Petition for Disciplinary Action for hearing and enter an order for appropriate disciplinary action pursuant to NEB. REV. STAT. §§ 38-183 (Reissue 2008) and 71-155 (Reissue 2003) and tax the costs of this proceeding to the Defendant.

**STATE OF NEBRASKA ex rel. JON  
BRUNING, Attorney General  
Plaintiff,**

BY: JON BRUNING, #20351  
Attorney General

BY:   
Susan M. Ugai, #16677  
Assistant Attorney General  
2115 State Capitol  
Lincoln, Nebraska 68509  
402-471-9658

ATTORNEYS FOR PLAINTIFF

DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION OF PUBLIC HEALTH  
STATE OF NEBRASKA

STATE OF NEBRASKA ex rel.,  
JON BRUNING, Attorney General,

Plaintiff,

v.

MATTHEW GLENN, M.D.,

Defendant.

10-4018

NOTICE OF HEARING

A Petition for Disciplinary Action was filed with the Director on December 21, 2010, in the above captioned matter.

The Director has set this matter presented by said petition for hearing on **March 15, 2011 at 9:00 a.m. Central Time**. Report to the DHHS Division of Public Health hearing room located in the Gold's Building, 1050 N Street, Suite 113, Lincoln, Nebraska.

You shall have the opportunity to appear and defend against said Petition at said time and place. You are further notified that you may present such witnesses and such evidence at said time and place as you may care to present in answer to the charges of said Petition and that you may be represented by legal counsel at said hearing. Hearings are conducted according to Neb. Rev. Stat. §§38-186, 38-196 and 84-901 et seq., and the Rules of Practice and Procedure to the Department, 184 NAC 1, (a copy of which can be obtained from <http://www.dhhs.ne.gov>). If auxiliary aides or reasonable accommodations are needed for participation in the hearing please call Keith Roland (402) 471-7237, or for persons with hearing impairments (402) 471-9570 TDD, or the Nebraska Relay System, 711 TDD, prior to the hearing date.

DATED this 22<sup>nd</sup> day of December, 2010.

James J. Smith *JK*  
James J. Smith  
Hearing Officer

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**CERTIFICATE OF SERVICE**

**COMES NOW** the undersigned and certifies that on the 22<sup>nd</sup> day of December, 2010, a copy of the foregoing **NOTICE OF HEARING** and the following **PETITION FOR DISCIPLINARY ACTION** were sent by regular and certified United States mail, postage prepaid, return receipt requested, to **Dr. Matthew Glenn, Pine Lake Health, 3901 Pine Lake Road, #211, Lincoln, NE 68516** and by interagency mail to **Susan M. Ugai**, Assistant Attorney General, 2115 State Capitol, Lincoln, Nebraska.



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Keith B. Roland  
DHHS Legal Services  
P.O. Box 98914  
Lincoln NE 68509-8914  
P. (402) 471-7237 F. (402) 742-2376



THE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION OF PUBLIC HEALTH  
STATE OF NEBRASKA



STATE OF NEBRASKA ex rel. JON  
BRUNING, Attorney General,

Plaintiff,

v.

MATTHEW M. GLENN, M.D.,

Defendant.

PETITION FOR DISCIPLINARY  
ACTION

The Plaintiff alleges as follows:

1. Jurisdiction is based on NEB. REV. STAT. §§ 38-176, 38-186, 38-196 (Reissue 2008), 71-150, and 71-1,132.29 (Reissue 2003).

2. At all times relevant herein, the Defendant Matthew M. Glenn, M.D., has been the holder of medical license # 20176 issued by the Nebraska Department of Health and Human Services division of Public Health ("Department") to practice medicine.

3. The Department is the agency of the State of Nebraska authorized to enforce the provisions of the Uniform Licensing Law and the Uniform Credentialing Act regulating the practice of Medicine and Surgery.

4. The Nebraska Board of Medicine and Surgery considered the investigation of this matter and made its recommendation to the Attorney General, which recommendation has been considered. Such matters are privileged pursuant to NEB. REV. STAT. §§ 38-1,105, 38-1,106 (Reissue 2008), 71-168.01(7) and 71-168.01(8) (Reissue 2003).

5. On October 23, 2006, Defendant entered into an Assurance of Compliance with the Nebraska Attorney General's Office. This Assurance of Compliance became effective on October 31, 2006.

6. Defendant agreed "to not develop intimate relationships with his patients."

7. Defendant saw Patient A in his office on March 25, 2010, at 11:45 a.m. for a sinus problem. Patient A mentioned to Defendant that she and her husband were having some marital discord.

8. Telephone records show Defendant called Patient A on March 25, 2010, at 12:17 p.m., 1:02 pm, 1:48 pm, and 4:00 pm.

9. Defendant and Patient A met for coffee at a local coffee shop on April 2, 2010, to discuss Patient A's marital issues.

10. Defendant and Patient A exchanged text messages and met two weeks later at a local restaurant. Defendant gave Patient A a hug and kissed her when he walked her to her car.

11. Defendant and Patient A continued to exchange text messages. Defendant and Patient A met a third time outside Defendant's office. There were a total of three personal meetings within a four to six week period.

12. Defendant admitted he told Patient A it would be fun if she went to Miami with him.

13. Defendant admitted he told Patient A they should have dinner together in Las Vegas.

14. Defendant admitted that some of the text messages he exchanged with Patient A had some sexual connotation.

## **FIRST CAUSE OF ACTION**

15. Paragraphs 1 through 14 are incorporated herein by reference.

16. NEB. REV. STAT. § 38-178(23) (Reissue 2008) provides that a professional license may be disciplined, revoked, or suspended for unprofessional conduct.

17. NEB. REV. STAT. § 38-179 (Reissue 2008) defines unprofessional conduct as any departure from or failure to conform to the standards of acceptable and prevailing practice of a profession or occupation or the ethics of the profession or occupation regardless of whether a person, patient or entity is injured, or conduct that is likely to deceive or defraud the public or is detrimental to the public interest.

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19. Title 172 Chapter 88-013.21 Regulations Governing the Practice of Medicine and Surgery defines unprofessional conduct as any conduct or practice outside the normal standard of care in the State of Nebraska which is or might be harmful or dangerous to the health of the patient or the public.

20. Title 172 Chapter 88-013.16 Regulations Governing the Practice of Medicine and Surgery defines unprofessional conduct as commission of any act of sexual misconduct, or exploitation related to the person's practice of medicine and surgery. Sexual misconduct in the practice of medicine means violation of the physician-patient relationship through which the physician uses said relationship to induce or attempt to induce the patient to engage, or to attempt to engage the patient, in sexual activity;

committing any act which may reasonably be interpreted as intended for the sexual arousal or gratification of the practitioner, the patient, or both.

21. Defendant's conduct is unprofessional conduct and is grounds for discipline.

## **SECOND CAUSE OF ACTION**

22. Paragraphs 1 through 21 are incorporated herein by reference.

23. NEB. REV. STAT. § 38-178(23) (Reissue 2008) provides that a professional license may be disciplined, revoked, or suspended for unprofessional conduct.

24. NEB. REV. STAT. § 38-179(9) (Reissue 2008) defines unprofessional conduct as commission of any act of misconduct or exploitation related to the practice of the profession of the credential holder.

25. Defendant's conduct is unprofessional conduct and is grounds for discipline.

## **THIRD CAUSE OF ACTION**

26. Paragraphs 1 through 25 are incorporated herein by reference.

27. Title 172 Chapter 88-013.1 Regulations Governing the Practice of Medicine and Surgery defines unprofessional conduct as any departure from or failure to conform to the ethics of the medical profession, as found in the American Medical Association's Code of Medical Ethics and Opinions.

28. The American Medical Association's Code of Medical Ethics and Opinions § 8.14 Sexual Misconduct in the Practice of Medicine provides:

"Sexual contact that occurs concurrent with the patient-physician relationship constitutes sexual misconduct. Sexual or romantic interactions

between physicians and patients detract from the goals of the physician-patient relationship, may exploit the vulnerability of the patient, may obscure the physician's objective judgment concerning the patient's health care, and ultimately may be detrimental to the patient's well-being.

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29. Defendant's conduct constitutes unprofessional conduct and is grounds for discipline.

#### **FOURTH CAUSE OF ACTION**

30. Paragraphs 1 through 29 are incorporated herein by reference.

31. NEB. REV. STAT. §§ 38-178(23) (Reissue 2008) and 71-147 (10) (2006 Cum. Supp.) provide that a professional license may be disciplined, revoked, or suspended for unprofessional conduct.

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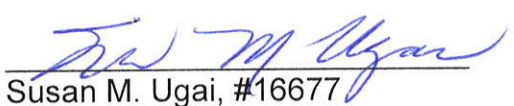
34. Defendant's conduct constitutes unprofessional conduct and is grounds for discipline.

### **PRAYER**

WHEREFORE, the Plaintiff requests that the Chief Medical Officer set this Petition for Disciplinary Action for hearing and enter an order for appropriate disciplinary action pursuant to NEB. REV. STAT. §§ 38-183 (Reissue 2008) and 71-155 (Reissue 2003) and tax the costs of this proceeding to the Defendant.

STATE OF NEBRASKA ex rel. JON  
BRUNING, Attorney General  
Plaintiff,

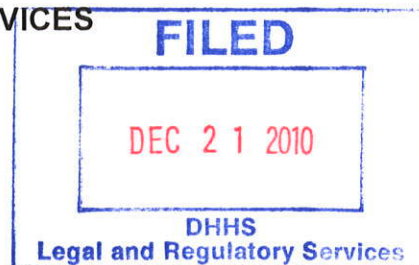
BY: JON BRUNING, #20351  
Attorney General

BY:   
Susan M. Ugai, #16677  
Assistant Attorney General  
2115 State Capitol  
Lincoln, Nebraska 68509  
402-471-9658

Attorneys for Plaintiff.



THE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION OF PUBLIC HEALTH  
STATE OF NEBRASKA



STATE OF NEBRASKA ex rel. JON  
BRUNING, Attorney General,

Plaintiff,

v.

MATTHEW M. GLENN, M.D.,

Defendant.

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PRAECIPE


TO: Office of the Chief Medical Officer:

Please issue a Notice of Hearing along with a copy of the Petition For Disciplinary  
Action for service upon the Defendant by certified mail, return receipt, at the following  
address:

Matthew Glenn, M.D.  
Pine Lake Health  
3901 Pine Lake Road, #211  
Lincoln, NE 68516

STATE OF NEBRASKA ex rel. JON  
BRUNING, Attorney General, Plaintiff,

BY: JON BRUNING, #20351  
Attorney General

BY:   
Susan M. Ugal, #16677  
Assistant Attorney General  
2115 State Capitol  
Lincoln, NE 68509  
Tel: (402) 471-9658

Attorneys for Plaintiff.

DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION OF PUBLIC HEALTH  
STATE OF NEBRASKA

LICENSURE UNIT

AUG 26 2010

RECEIVED

STATE OF NEBRASKA ex rel.,  
JON BRUNING, Attorney General,

Plaintiff,

vs.

MATTHEW GLENN, M.D.

Defendant.

H10-1550

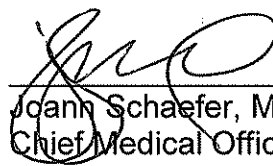
ORDER ON  
AGREED SETTLEMENT

A proposed Agreed Settlement was filed with the Department on August 17, 2010.

ORDER

1. The Agreed Settlement is adopted, attached hereto and incorporated by reference.
2. The facts as set out in the petition are taken as true and adopted herein.
3. The parties shall comply with all of the terms of the Agreed Settlement.

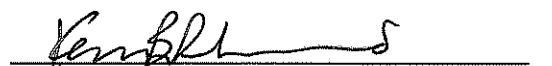
DATED this 24 day of August, 2010.



Joann Schaefer, M.D.  
Chief Medical Officer  
Director, Division of Public Health  
Department of Health and Human Services

CERTIFICATE OF SERVICE

COMES NOW the undersigned and certifies that on the 25th day of August, 2010 a copy of the foregoing **ORDER ON AGREED SETTLEMENT** was sent by United States certified mail, postage prepaid, return receipt requested, to **Eric B. Brown, Atwood, Holsten & Brown, 1133 H Street, Lincoln, NE 68508** and by interoffice mail to **Susan M. Ugai**, Assistant Attorney General, 2115 State Capitol, Lincoln, Nebraska.



Keith B. Roland  
DHHS Legal and Regulatory Services  
P.O. Box 98914  
Lincoln NE 68509-8914  
P. (402) 471-7237 F. (402) 742-2376

**FILED**

**AUG 17 2010**

**DHHS**  
**Legal and Regulatory Services**

## AGREED SETTLEMENT

5. The Defendant acknowledges that he has read the Petition for Disciplinary Action filed by the Attorney General's Office. The Defendant admits the allegations of the Petition for Disciplinary Action.

6. The Defendant and the Plaintiff agree that the Chief Medical Officer enter a final disciplinary order finding the allegations of the Petition for Disciplinary Action are true.

7. The Plaintiff and the Defendant consent to the Chief Medical Officer entering a disciplinary order that Defendant be given until October 1, 2010, to provide documentation he has successfully completed the ProBE (Problem Based Ethics) Course at his own expense. The ProBE course has been pre-approved by the Board of Medicine and Surgery as a course fulfilling the terms of Defendant's Assurance of Compliance which was effective October 31, 2006.

8. If Defendant does not provide documentation of completion of the ProBE Course by October 1, 2010, to the Department, his medical license will be suspended immediately and will remain suspended until such time as he provides proof he has completed a boundaries course pre-approved by the Board of Medicine and Surgery.

9. The Plaintiff and the Defendant also consent to the Chief Medical Officer entering a disciplinary order which imposes a civil penalty in the amount of Ten Thousand Dollars (\$10,000.00).

10. The civil penalty shall be payable in full within six (6) months from the date the Chief Medical Officer enters a disciplinary order in accordance with this Agreed Settlement. In the event the Defendant fails to pay the civil penalty in full by the stated deadline, the Chief Medical Officer may summarily suspend the Defendant's license, which suspension shall remain in effect until the civil penalty is paid in full.

11. If this Agreed Settlement is not approved by the Chief Medical Officer, this Agreed Settlement shall become null and void and will not be admissible for any purpose at any hearing.

AGREED TO:

Matthew Glenn M.D.  
Matthew Glenn, M.D.  
Defendant

State of Nebraska )  
County of Lancaster ) ss.

Acknowledged before me by Matthew Glenn, M.D., on this 13<sup>th</sup> day of

August, 2010.



Kelsey Landolt  
Notary Public

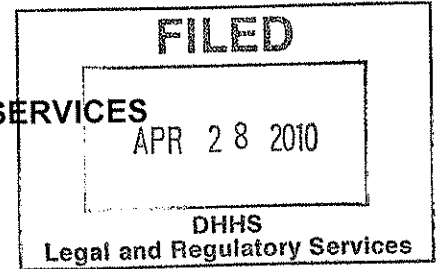
STATE OF NEBRASKA, ex rel. JON  
BRUNING, Attorney General,  
Plaintiff,

BY: JON BRUNING, #20351  
Attorney General

BY: Susan M. Ugai  
Susan M. Ugai, #16677  
Assistant Attorney General  
2115 State Capitol  
Lincoln, Nebraska 68509  
(402) 471-9658

Attorneys for Plaintiff.

THE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION OF PUBLIC HEALTH  
STATE OF NEBRASKA



STATE OF NEBRASKA ex rel. JON  
BRUNING, Attorney General,

Plaintiff,

v.

MATTHEW M. GLENN, M.D.,

Defendant.

PETITION FOR DISCIPLINARY  
ACTION

The Plaintiff alleges as follows:

1. Jurisdiction is based on NEB. REV. STAT. §§ 38-176, 38-186, 38-196 (Reissue 2008), 71-150, and 71-1,132.29 (Reissue 2003).
2. At all times relevant herein, the Defendant Matthew M. Glenn, M.D., has been the holder of medical license # 20176 issued by the Nebraska Department of Health and Human Services division of Public Health ("Department") to practice medicine.
3. The Department is the agency of the State of Nebraska authorized to enforce the provisions of the Uniform Licensing Law and the Uniform Credentialing Act regulating the practice of Medicine and Surgery.
4. The Nebraska Board of Medicine and Surgery considered the investigation of this matter and made its recommendation to the Attorney General, which recommendation has been considered. Such matters are privileged pursuant to NEB. REV. STAT. §§ 38-1,105, 38-1,106 (Reissue 2008), 71-168.01(7) and 71-168.01(8) (Reissue 2003).



5. On October 23, 2006, Defendant entered into an Assurance of Compliance with the Nebraska Attorney General's Office. This Assurance of Compliance became effective on October 31, 2006.

6. In the Assurance of Compliance Defendant agreed to complete a boundaries course approved by the Board of Medicine and Surgery within six months from the entry of the Assurance of Compliance on October 31, 2006. Defendant also agreed to show proof of completion of this course to the Board of Medicine and Surgery.

7. As of April 27, 2010, Defendant has not provided proof of completion of this course to the Board of Medicine and Surgery.

8. NEB. REV. STAT. §§ 38-178(23) (Reissue 2008) and 71-147 (10) (2006 Cum. Supp.) provide that a professional license may be disciplined, revoked, or suspended for unprofessional conduct.

9. Unprofessional conduct is defined by NEB. REV. STAT. § 71-148(17) (Reissue 2003) as violating an Assurance of Compliance.

10. NEB. REV. STAT. § 38-178(21) (Reissue 2008) provides that any violation of an Assurance of Compliance is grounds for discipline.

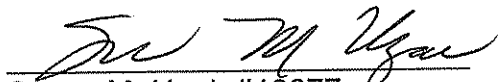
11. Defendant's conduct constitutes unprofessional conduct and is grounds for discipline.

### **PRAYER**

WHEREFORE, the Plaintiff requests that the Chief Medical Officer set this Petition for Disciplinary Action for hearing and enter an order for appropriate disciplinary action pursuant to NEB. REV. STAT. §§ 38-183 (Reissue 2008) and 71-155 (Reissue 2003) and tax the costs of this proceeding to the Defendant.

STATE OF NEBRASKA ex rel. JON  
BRUNING, Attorney General  
Plaintiff,

BY: JON BRUNING, #20351  
Attorney General

BY:   
Susan M. Ugai, #16677  
Assistant Attorney General  
2115 State Capitol  
Lincoln, Nebraska 68509  
402-471-9658

Attorneys for Plaintiff.

34-1751-3

THE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
REGULATION AND LICENSURE  
STATE OF NEBRASKA

CREDENTIALS DIVISION

IN THE MATTER OF )

THE LICENSE OF )

MATTHEW M. GLENN, M.D. )

ASSURANCE OF COMPLIANCE

MAR 28 2007  
RECEIVED

Matthew M. Glenn, M.D. ("Dr. Glenn") and the Attorney General's Office for the State of Nebraska enter into this Assurance of Compliance by agreeing as follows:

1. Dr. Glenn is the holder of a license to practice medicine (#20176) issued by the Nebraska Department of Health and Human Services Regulation and Licensure ("Department").

2. It is alleged that Dr. Glenn prescribed domperidone for a patient, and the use of said drug is not approved by the U. S. Food and Drug Administration unless the physician has acquired an Investigational New Drug Application.

3. It is alleged that Dr. Glenn did not have an IND number and was therefore prescribing an unapproved drug in the U. S.

4. Dr. Glenn agrees to obtain an IND number from the U. S. Food and Drug Administration in the future if he wishes to prescribe domperidone to his patients.

5. Neb. Rev Stat. § 71-147(10) (2006 Cum. Supp.) provides that a credential to practice as a medical doctor may be disciplined for unprofessional conduct.

6. Neb. Rev. Stat. § 71-148 (Reissue 2003) defines unprofessional conduct as any departure from or failure to conform to the standards of acceptable and prevailing practice of a profession ... regardless of whether a person, patient, or entity is injured.

7. Neb. Rev. Stat. § 71-148(22) (Reissue 2003) defines unprofessional conduct as such other acts as may be defined in rules and regulations adopted and promulgated by the board of examiners in the profession of the applicant, licensee, certificate holder, or registrant with the approval of the department.

8. Title 172 NAC 88-013.15 Regulations Governing the Practice of Medicine defines unprofessional conduct as the use of any therapy, drug or device in a manner inconsistent with the Federal Food, Drug and Cosmetic Act.

9. Unprofessional conduct is defined by Neb. Rev. Stat. § 71-148(17) (Reissue 2003) as violating an Assurance of Compliance.

10. Any violation of this Assurance of Compliance by Dr. Glenn shall constitute unprofessional conduct pursuant to Neb. Rev. Stat. §§ 71-147(10) (2006 Cum. Supp.) and 71-148(17) (Reissue 2003) and will be grounds for discipline.

11. This Assurance of Compliance is not a disciplinary action against Dr. Glenn's license to practice medicine.

12. This Assurance of Compliance is entered into pursuant to Neb. Rev. Stat. § 71-171.02 (Reissue 2003).

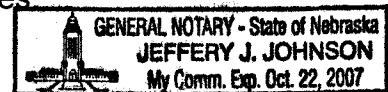
Dated this 16 day of August, 2007.

Matthew M. Glenn  
Dr. Matthew M. Glenn, M.D.

State of Nebraska )  
County of Lancaster ) ss.

The above Assurance of Compliance was acknowledged before me by Dr.  
Matthew M. Glenn, M.D., on this 16 day of August, 2007.

Jeffery J. Johnson  
Notary Public  
My Commission Expires:



Dated this 21st day of August, 2007.

BY: JON BRUNING, #20351  
Attorney General

BY: Susan M. Ugai  
Susan M. Ugai, #16677  
Assistant Attorney General  
2115 State Capitol  
Lincoln, Nebraska 68509  
(402) 471-9658

**THE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
REGULATION AND LICENSURE  
STATE OF NEBRASKA**

<b>IN THE MATTER OF</b>	)	
	)	
<b>THE LICENSE OF</b>	)	<b>ASSURANCE OF COMPLIANCE</b>
	)	
<b>MATTHEW GLENN, M.D.</b>	)	

Matthew Glenn, M.D. ("Dr. Glenn") and the Attorney General's Office for the State of Nebraska enter into this Assurance of Compliance by agreeing as follows:

1. Dr. Glenn is the holder of a license to practice as a medical doctor (#20176) which license was issued by the Nebraska Department of Health and Human Services Regulation and Licensure ("Department").

2. It is alleged that in August of 2005 Dr. Glenn had intimate relations with a patient.

4. In the future Dr. Glenn agrees to not develop intimate relationships with his patients.

5. Dr. Glenn agrees to complete a boundaries course approved by the Board of Medicine and Surgery within six (6) months from the entry of this Assurance of Compliance and show proof of same to the Board upon completion.

6. Neb. Rev. Stat. § 71-147(10) provides that a license to practice as a medical doctor may be disciplined for unprofessional conduct.

7. Unprofessional conduct is defined by:

A. Neb. Rev. Stat. § 71-148 to mean "any departure from or failure to conform to the standard of acceptable and prevailing practice of a profession...regardless of whether a patient is injured...."

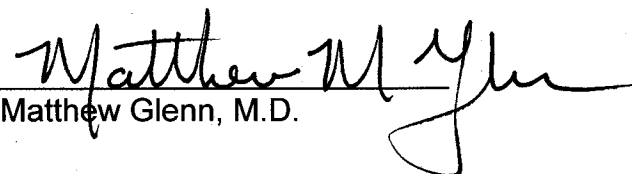
B. "Violating an Assurance of Compliance" as provided by Neb. Rev. Stat. § 71-148(17).

8. Any violation of this Assurance of Compliance by Dr. Glenn shall constitute unprofessional conduct pursuant to Neb. Rev. Stat. §§ 71-147(10) and 71-148(17).

9. This Assurance of Compliance is not a disciplinary action against Dr. Glenn's license to practice as a medical doctor.

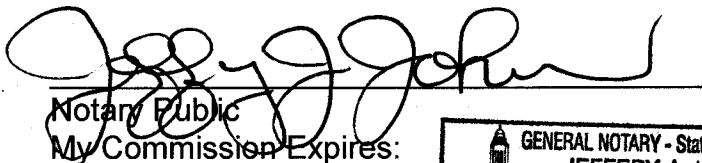
10. This Assurance of Compliance is entered into pursuant to Neb. Rev. Stat. § 71-171.02 and shall become effective ten (10) days from the date it is signed by the Attorney General's Office.

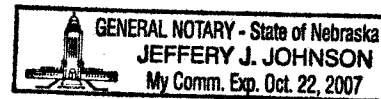
Dated this 23rd day of October, 2006.

  
Dr. Matthew Glenn, M.D.

State of Nebraska )  
County of Lancaster ) ss.

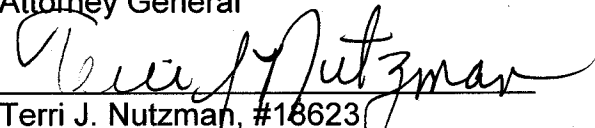
The above Assurance of Compliance was acknowledged before me by Dr. Matthew Glenn, M.D., on this 23 day of October, 2006.

  
Notary Public  
My Commission Expires:



Dated this 31<sup>st</sup> day of October, 2006.

BY: JON BRUNING, #20351  
Attorney General

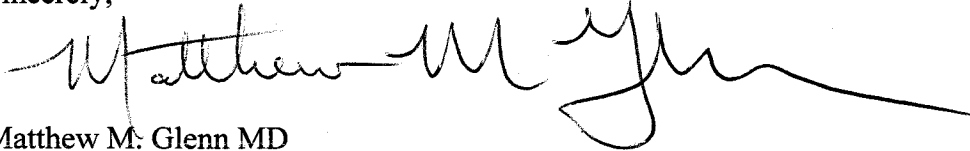
BY:   
Terri J. Nutzman, #18623  
Assistant Attorney General  
2115 State Capitol  
Lincoln, Nebraska 68509  
(402) 471-9658



I am, by signing this *Assurance of Compliance*, in no way admitting to the alleged incidence which occurred in August of 2005. After a year long investigation involving countless interviews of individuals, who were in no way privy to information regarding the incidence, ready to put this to rest. I would appreciate further information on what constitutes a "boundaries course" and where these are available.

I would appreciate if this brief letter is included with my signed *Assurance of Compliance*.

Sincerely,

A handwritten signature in cursive script, appearing to read "Matthew M. Glenn", followed by a long horizontal flourish.

Matthew M. Glenn MD

DEPARTMENT OF JUSTICE

OCT 30 2006

STATE OF NEBRASKA